

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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CERTIFIED COPY

BERT MEYER,)
)
Plaintiff,) Civil No.: 04-00049 HG-BMK
)
vs.)
)
MATSON NAVIGATION COMPANY,)
INC., and PACIFIC LIVESTOCK,)
INC.,)
)
Defendants.)
_____)

DEPOSITION OF ERIC B. JOHNSON

DATE: August 24, 2005

TIME: 1:37 p.m.

LOCATION: MATSON NAVIGATION COMPANY
555 12th Street
Oakland, California 94607

REPORTED BY: Lisa R. Keeling
Certified Shorthand Reporter
License Number C-10518

EXHIBIT "4"



PULONE & STROMBERG, INC.

Offices located in:

San Jose, California
(408) 280-1252

DEPOSITION OF ERIC B. JOHNSON

1 Q. Okay. And how many hoses did they have for
2 washing down the area?

3 A. I have no idea. I don't know.

4 Q. Okay. Are the livestock tenders supposed to do
5 any type of wash-down before the longshoremen come
6 aboard?

7 A. Yes, they do. I'm not sure what their -- I
8 can't remember what their specific requirements are for
9 washing them, but they are washed down and cleaned up
10 before the ship arrives.

11 Q. Before the ship arrives?

12 A. Before the ship arrives in port, yes.

13 Q. Okay. Is that done at sea or in the harbor?

14 A. It has to be done at sea.

15 Q. Is that the law?

16 A. Well, sewage going into the Honolulu Harbor
17 probably wouldn't be good.

18 Q. Okay. Typically how far outside of Honolulu is
19 this wash-down done?

20 A. Well, I don't know, and I don't remember.

21 Q. Okay.

22 A. It's been a long time since I've done that.

23 Q. How do the livestock tenders know they're
24 supposed to do this wash-down?

25 A. They have instructions. I'm not sure whether

DEPOSITION OF ERIC B. JOHNSON

1 they're specific Matson instructions or whether they were
2 just ship specific instructions. But they were told what
3 was expected of them for wash-down, and I just don't
4 remember what they were.

5 Q. Okay. On the voyage in question, who's the one
6 that told them what to do?

7 A. The chief mate would be the one that would give
8 them the instructions.

9 Q. And that would have been you?

10 A. Yes.

11 Q. Okay. So you would -- you would tell them when
12 it's time to do the wash-down; is that right?

13 A. I wouldn't tell them. We gave them what -- we
14 gave them their instructions when they came aboard the
15 vessel.

16 Q. You did?

17 A. And then I would verify that they are doing
18 their job.

19 Q. Were you one of the people that gave them their
20 instructions when they came aboard for the voyage?

21 A. Yes.

22 Q. Okay. Was that in Oakland?

23 A. I believe that was Oakland, yes.

24 Q. Did you tell them something orally?

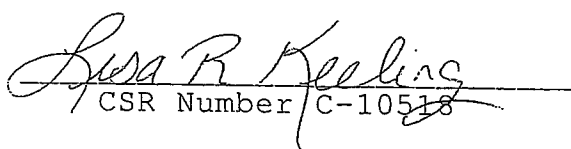
25 A. I -- you know, I don't remember what the -- I

DEPOSITION OF ERIC B. JOHNSON

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3
4 STATE OF CALIFORNIA,)
5 COUNTY OF SANTA CLARA) ss.
6

7 I, LISA R. KEELING, a Certified Shorthand
8 Reporter in and for the State of California, hereby
9 certify that the witness in the foregoing deposition,
10 ERIC B. JOHNSON,
11 was by me duly sworn to tell the truth, the whole truth
12 and nothing but the truth in the within-entitled cause,
13 and that the foregoing is a full, true and correct
14 transcript of the proceedings had at the taking of said
15 deposition, reported to the best of my ability and
16 transcribed under my direction.
17
18

19 Date 9-8, 2005

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21 CSR Number C-10518
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